

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JAMESETTA MCFARLAND-LAWSON,

Plaintiff,

v.

Case No. 16-CV-685

MARCIA FUDGE,

Defendant.

ORDER

Jamesetta McFarland-Lawson filed with the court a document captioned “What the Defendant’s defense is for the new claim that was presented by the 7th Circuit Court of Appeals.”

McFarland-Lawson correctly notes that the Court of Appeals for the Seventh Circuit remanded only a single narrow claim to this court, specifically: “On April 4, 2013, she learned that she needed to authorize an extension of an independent medical examination and review of her medical files, thus delaying a determination of when she would be allowed to return to work.” *McFarland-Lawson v. Ammon*, 847 F. App’x 350, 356 (7th Cir. 2021). That is the only claim that remains. *Id.*

McFarland-Lawson asks that the court order the defendant to state her defense to this claim. She offers no authority in support of her argument.

“Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required.” Fed. R. Civ. P. 12(b). The defendant did so. (ECF No. 74 at 37-40.) Beyond specifically pled defenses, a defendant may simply seek to prove that a plaintiff’s allegations are untrue or that, even if true, those facts do not amount to a violation of law. A defendant need not tell a plaintiff specifically how it plans to defend any particular claim.

IT IS THEREFORE ORDERED that McFarland-Lawson’s motion is denied.

Dated at Milwaukee, Wisconsin this 24th day of March, 2023.


WILLIAM E. DUFFIN
U.S. Magistrate Judge